

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MISSISSIPPI**

|                                   |   |                       |
|-----------------------------------|---|-----------------------|
| -----                             | X |                       |
| In re:                            | : |                       |
|                                   | : |                       |
| UNITED FURNITURE INDUSTRIES, INC. | : | Chapter 7             |
|                                   | : |                       |
| Alleged Debtors.                  | : | Case No. 22-13422-SDM |
|                                   | : |                       |
| -----                             | X |                       |

**MOTION OF WELLS FARGO BANK, NATIONAL ASSOCIATION TO EXPEDITE  
HEARING ON MOTION FOR APPOINTMENT OF AN INTERIM TRUSTEE AND  
CERTAIN RELATED RELIEF**

COMES NOW Wells Fargo Bank, National Association. (“Wells Fargo”), one of the three petitioning creditors (collectively, “Petitioners”) of United Furniture Industries, Inc. (the “Alleged Debtor” or “UFI”), by and through its undersigned counsel, and requests that the Court expedite the hearing, setting an expedited hearing on Petitioners’ *Emergency Motion for Appointment of an Interim Trustee and Certain Related Relief* (the “Interim Trustee Motion”)<sup>1</sup> pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). In support of the Motion, Petitioner respectfully states as follows:

**BACKGROUND**<sup>2</sup>

1. On December 30, 2022 (the “Involuntary Petition Date”), Petitioners filed an involuntary Chapter 7 petition against the Alleged Debtor (the “Petition”). No order for relief has been entered with regard to the Petition.

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<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings assigned to them in the Interim Trustee Motion.

<sup>2</sup> The background and other factual statements set forth in the Interim Trustee Motion and the Grossman Declaration are incorporated herein by reference.

2. On the day following the Involuntary Petition Date, the Petitioners filed the Interim Trustee Motion and the Declaration (Dk No. 6), and served such documents together with this Motion on all Alleged Debtor's creditors and other parties in interest (in each case as known to Petitioners) and their respective counsel to the extent known, by first class mail and e-mail to the extent known. A certificate of service is filed contemporaneously herewith.

### **JURISDICTION AND VENUE**

3. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (O). Venue in this District is proper pursuant to 28 U.S.C. § 1409(a).

### **RELIEF REQUESTED**

4. Petitioner requests that the Court expedite the hearing on the Interim Trustee Motion and set a hearing on the Interim Trustee Motion on Friday, January 6, 2023, at 1 p.m. central standard time in order for it to be heard.

### **BASIS FOR RELIEF REQUESTED**

5. Under the facts and circumstances as described in the Interim Trustee Motion and supporting Grossman Declaration, time is of the essence.

6. This Court has authority to grant the relief requested, pursuant Bankruptcy Rule 9006(c), which provides that "when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of the court, the court for cause shown may in its discretion with or without motion or notice order the period reduced." *See also Norton Bankruptcy Law and Practice* § 161.8 (3rd ed.).

**NO PRIOR REQUEST**

7. No prior request for the relief requested herein has been made to this or any other Court.

**CONCLUSION**

WHEREFORE, Petitioner requests entry of an order setting an expedited hearing on the Interim Trustee Motion on Friday, January 6, 2023, at 1 p.m. central standard time M., and for such other relief as the Court deems just and proper.

Dated: December 31, 2022

**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.**

By: /s/ R. Spencer Clift, III  
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***Attorneys for Petitioner Wells Fargo Bank,  
N.A.***

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following on December 31, 2022 by electronically filing the same, which will send a notification of filing and copy of the foregoing to all counsel of record or by first-class U.S. Mail, postage pre-paid:

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|---|---|
| <p>United Furniture Industries, Inc.<br/>Kimberly Harper, CFO<br/>Alpesh Amin, CEO<br/>5380 Hwy 145 South<br/>Tupelo, MS 38801</p> <p>Office of the United States Trustee, Region 5<br/>501 East Court Street, Ste 6-430<br/>Jackson, MS 39201<br/>Sammye S. Tharp, Trial Attorney<br/><a href="mailto:sammye.s.tharp@usdoj.gov">sammye.s.tharp@usdoj.gov</a><br/>Abigail M. Marbury<br/><a href="mailto:Abigail.m.marbury@usdoj.gov">Abigail.m.marbury@usdoj.gov</a></p> | <p>United Furniture Industries, Inc.<br/>C/O C.T. Corporation Systems<br/>Suite 101<br/>645 Lakeland Drive East<br/>Flowood MS 39232</p> <p>United Furniture Industries, Inc.<br/>5380 Highway 145 South<br/>Tupelo, MS 38801</p> |
|---|---|

/s/ R. Spencer Clift, III  
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